

brownrudnick

Edward D. Pare, Jr., Esq.
direct dial: 401-276-2609
epare@brownrudnick.com

COPY

EXHIBIT 14

February 20, 2020

RECEIVED

VIA EMAIL

Town of Grafton
Planning Board
c/o William Scanlon
Grafton Memorial Municipal Center
30 Providence Road
Grafton, MA 01519

FEB 20 2020

**Planning Board
Grafton, MA**

RE: Supplement to the Proposed Wireless Communication Facility Application - Eligible Facilities Request

Applicants: New Cingular Wireless PCS, LLC ("AT&T")

Site: 200 Westboro Road, Grafton, MA (Assessor's Parcel ID 021.0/0000/0100.A) (the "Site")

Owner: Tufts University Trustees

Facility: Collocate an antenna array of six (6) panel antennas within canister style concealment shrouds on the existing 99' AGL stealth tower (the "Tower") as extended by 20' to 119' AGL, together with related amplifiers, cables, fiber and other associated antenna equipment, including, without limitation, remote radio heads, surge arrestors, and global positioning system antennas with associated electronic equipment in a walk-in-cabinet, an emergency backup power generator, and other appurtenances on a proposed equipment pad located within an existing compound enclosed by a chain link fence (the "Facility").

Relief Requested: Approval of the Eligible Facilities Request pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the "Spectrum Act") and, in the alternative to the extent required, special permit and site plan approval pursuant to Sections 1.3.3, 1.5 and 5.8 of the Town of Grafton Zoning Bylaw (hereinafter, the "Bylaw"), Massachusetts General Laws chapter 40A; and, the Telecommunications Act of 1996 (the "TCA") for the construction, operation, and maintenance of a Wireless Communication Facility, and such other relief as deemed necessary, all rights reserved.



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Dear Honorable Members of the Grafton Planning Board:

On behalf of AT&T and while reserving all rights, we are pleased to submit this supplemental memorandum to the Town of Grafton Planning Board (the "Board") in support of AT&T's Eligible Facilities Request, and, in the alternative to the extent necessary, special permit and site plan approval application (the "Application"), for the modification, installation, operation and maintenance of the proposed Facility at the Site, all in accordance with the Spectrum Act, the TCA and the Bylaw. As will be demonstrated in this memorandum and a the public hearing(s) before the Board, the modifications to the Tower qualify as an Eligible Facilities Request and do not substantially change the physical dimensions of the Tower, and also comply with the Bylaw. The following provides background information regarding the Facility and addresses each applicable section of the Bylaw.

BACKGROUND

The Site is located within the Office Light Industrial (OLI) zoning district. AT&T proposes to modify the Tower by collocating an additional antenna array consisting of six (6) panel antennas within canister style concealment shrouds on the Tower, as extended to 119' AGL (twenty (20) feet), together with related amplifiers, cables, fiber and other associated antenna equipment, including, without limitation, remote radio heads, surge arrestors, and global positioning system antennas with associated electronic equipment in a walk-in-cabinet, an emergency backup power generator, and other appurtenances on a proposed equipment pad located within an existing compound enclosed by a chain link fence. The Facility is shown in detail on the plans (the "Plans") submitted with the Application as revised herewith.

We note that Section 3.2.3.1 of the Bylaw, Use Regulation Schedule, Communications, Transportation, Public Utility Uses, Use 1 indicates that a special permit pursuant to Section 1.5 of the Bylaw is required for a Wireless Communications Facility. The special permit for the Tower was granted by the Board in 2002. Section 5.8.8 of the Bylaw states that any alteration or expansion of the facility or uses it supports shall require a modified special permit application. Section 1.3.3.2 of the Bylaw indicates that the site plan review procedure is to be incorporated into that of special permits. However, we note that the federal Spectrum Act preempts conflicting provisions of the Bylaw as discussed below. However, while not waiving any rights, AT&T has submitted additional materials in the spirit of cooperation with the Board to also evidence compliance with the Bylaw.

As a collocator, AT&T leases a portion of the Site from the owner of the Tower. AT&T operates a nationwide wireless communications system that offers enhanced features such as caller ID, voice mail, e-mail, superior call clarity and high speed data services. AT&T is in the process of building out a national network as required and authorized by license issued by the Federal Communications Commission (the "FCC"). By filling a significant coverage gap, the



Facility will aid in reaching AT&T's goal of continuing to provide reliable wireless telecommunications services in and around the Town of Grafton and to all of Massachusetts.

A reliable communications system depends on a grid of antennas arranged in a geographical pattern, similar to a honeycomb. Each "cell" is created by an antenna and serves as a link between the customer and the telephone system, while that caller is within proximity to the cell site. Each cell can handle a finite number of connections. As the number of customers increase, more cell sites must be added to handle the increased volume. If the additional offload of cell sites is not accomplished, calls and connections are dropped or blocked. A new antenna installation must be constructed each time a new cell site is created.

AT&T submits that the Site is well suited for a Wireless Communications Facility and that the Site satisfies the Spectrum Act and also the intent and purposes of the Bylaw. As will be demonstrated through these supplemental materials, and the written and oral evidence at the public hearing(s) in connection with the Application, the proposed modifications to the wireless communications facility constitute an Eligible Facilities Request and further that the Facility meets with all applicable requirements of the Bylaw. The Facility, as modified, will not adversely impact adjacent properties and neighborhoods as the Facility is screened from view to the maximum extent possible. The location of the Facility will continue to protect, to the extent practicable, the aesthetic qualities of the Town of Grafton by utilizing an existing Tower that is especially suited to the proposed use and will minimize impacts to the interests protected by the Bylaw. The modifications to the Tower and the installation of the Facility will not be a threat to public health, safety and welfare. In fact, AT&T submits that the Facility will aid in public safety by providing and improving wireless communications services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity and along the nearby roads. These services further the public interest of health and safety as they will provide wireless 911 services to the community and communication services for the public. According to the FCC, more than 240 million 911 calls, or nearly two-thirds of all calls received by the 911 centers nationwide, are made annually from mobile handheld devices in the United States. See FCC Press Release, entitled FCC takes Action to Improve Wireless 9-1-1 Services, dated September 23, 2010. Today, wireless infrastructure is required to assist with public safety needs.

This Site was selected after a screening process and was found useful to AT&T. The modifications to the Tower and the installation of the Facility will not generate any objectionable noise, odor, fumes, glare, smoke, or dust or require additional lighting or signage. The Facility, as modified, will have no negative impact on property values in the area. No significant increase in traffic or hindrance to pedestrian movements will result from the Facility. On average, only one or two round trip visits per month are required to service and maintain the Facility. This is an unmanned facility and will have minimal negative effect on the adjoining lots. This Facility does not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.



RELIEF REQUESTED

AT&T respectfully requests approval of this Eligible Facilities Request pursuant to the Spectrum Act, and, while reserving all rights and in the alternative, to the extent necessary, a special permit and site plan approval for a modification to a Wireless Communications Facility, pursuant to the Bylaw, Massachusetts General Laws chapter 40A and the TCA for the construction, operation, and maintenance of a Wireless Communication Facility, as modified, and such other relief as deemed necessary.

THE SPECTRUM ACT

We are submitting this supplemental material in support of AT&T's Eligible Facilities Request to collocate Transmission Equipment on the Tower located at the Site. Capitalized terms not otherwise defined herein shall have the respective meanings set forth in the Regulations (as defined below).

As you are aware, Section 6409(a) of the Spectrum Act mandates that state and local governments "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Under Section 6409(a)(2)(A)-(C), an Eligible Facilities Request is any request to modify a Tower or Base Station that involves "collocations of new Transmission Equipment," "removal," or "replacement" of Transmission Equipment.

Pursuant to this Eligible Facilities Request, AT&T is proposing to collocate Transmission Equipment located on and near the base of the Tower. The Town of Grafton issued the special permit for the wireless communications facility in 2002 at a height of 99' AGL and we understand this would be the first extension to the height of the Tower. Under the Spectrum Act and Regulations, as defined below, the modifications to the Tower proposed by AT&T in this Eligible Facilities Request do not substantially change the physical dimensions of the Tower.

As you may know, the FCC adopted a Report and Order, In re: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, FCC Docket No. 13 238, Report and Order No. 14-153 (October 17, 2014) Final Rule codified at 47 CFR §1.6100 (the "Regulations") interpreting and implementing the provisions of the Spectrum Act. The Regulations determined that any modification to an Eligible Support Structure, in this case the existing Tower, that meets the following six criteria does not substantially change the physical dimensions of the existing Building and, therefore, is an Eligible Facilities Request which must be granted (AT&T's provides its comments below in bold to demonstrate that the modifications are NOT a substantial change):

Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:



- (i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater;

AT&T proposes to increase the height of the Existing Tower by the height of one antenna array from the nearest existing antenna not to exceed twenty feet (20') in accordance with this provision.

- (ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;

AT&T's modification to the Existing Tower will not protrude more than twenty feet (20') from the edge of the Tower in accordance with this provision

- (iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;

AT&T proposes to install only one (1) walk in cabinet in accordance with this provision.

- (iv) It entails any excavation or deployment outside the current site;

AT&T does not propose any excavation or deployment outside the current Site in accordance with this provision.

- (v) It would defeat the concealment elements of the eligible support structure; or

AT&T's proposal will not defeat and are consistent with the existing concealment elements in accordance with this provision, as evidenced by the balloon test and associated report.

- (vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in §1.40001(b)(7)(i) through (iv).



AT&T's modifications comply with conditions of the approval of the Tower except for the increase in height in accordance with this provision.

As evidenced on the Plans, AT&T's modifications to the Tower contained in this Eligible Facilities Request fully conform to the Regulations and Section 6409(a) of the Spectrum Act. We are confident that you will agree that AT&T's proposed modifications do not substantially change the physical dimensions of the Tower at the Site as enumerated in the FCC Regulations and therefore qualifies as an Eligible Facilities Request and we therefore respectfully request the Board's determination that the modifications do not substantially change the physical dimensions of the Tower. AT&T is committed to working cooperatively with the Town of Grafton, and all jurisdictions around the country, to secure expeditious approval of requests to modify existing personal wireless service facilities.

STAFF MEMO AND ISOTROPE REPORT

We have reviewed the Staff Memo from the Grafton Planning Department dated December 6, 2019 (the "Staff Report") and the Isotrope report dated January 15, 2020 (the "Isotrope Report", the "Staff Report" and the "Isotrope Report", are sometimes collectively referred to herein as the "Reports") and address the significant issues below. We are happy to discuss and address any other issues raised in the Reports at the public hearing(s) before the Board.

The Reports generally raise the question of whether AT&T's extension of the Tower by twenty feet (20') substantially changes the physical modifications of the Tower pursuant to the Spectrum Act and the Regulations. We start with the language of the Regulations which provides, "For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater". We believe we can all agree that the Tower is not located in a public right-of-way since it's located on private property and likewise, AT&T is proposing to increase the height of the Tower by more than 10% of the height of the Tower. The issue is the extent to which an extension to the Tower would satisfy this provision of the Regulations. We note that the plain language of this provision of the Regulations allows an extension of 10% of the height of the Tower or twenty feet (20'), **whichever is greater**. AT&T specifically seeks to extend the Tower by twenty feet (20') from the nearest existing antenna. AT&T asserts that its proposed extension consists of one "antenna array".

The Staff Report also noted that AT&T's Facility may be more than one "antenna array" and we respectfully disagree. Due to the nature of the concealed Tower, AT&T is proposing one antenna array for its required six (6) antennas. We note that the Isotrope Report references AT&T proposing an antenna array. Likewise, an antenna array consists of one or more antennas spaces either horizontally or vertically. We have provided a couple of definitions of "antenna



array". Obviously, under the provisions of the Regulations, AT&T could install one group of antennas twenty feet (20') above the existing antennas so clearly the Tower could be extended by twenty feet (20') under the Spectrum Act.

The American Radio League, Incorporated (the "League"), a self-described educational and scientific organization that is the "principal representative and advocate for the more than 650,000 federally licensed Amateur Radio operators in the United States," filed an amicus curiae brief in *Zubarau v. City of Palmdale*, 192 Cal.App.4th 289, 2011, Fn. 3, see attached. The League defines an "antenna array" as an "interactive grouping of multiple antennas, or, less frequently, a single antenna with multiple components, such as a horizontal (or vertical) directional parasitic array of antenna elements referred to as a 'Yagi' type antenna, typically and normally found in urban, suburban and rural residential neighborhoods throughout the United States." Likewise, in Newton's Telecom Dictionary, 30th Edition, 2016, "Antenna array" means "[a]n assembly of antenna elements with dimensions, spacing, and illumination sequence such that the fields for the individual elements combine to produce a maximum intensity in a particular direction and minimum field intensities in other directions."

We are confident that you will agree that AT&T's proposed modifications do not substantially change the physical dimensions of the Tower at the Site as enumerated in the FCC Regulations and therefore qualifies as an Eligible Facilities Request and we therefore respectfully request the Board's determination that the modifications do not substantially change the physical dimensions of the Tower. AT&T is committed to working cooperatively with the Town of Grafton, and all jurisdictions around the country, to secure expeditious approval of requests to modify existing personal wireless service facilities.

While the Spectrum Act requires that Eligible Facilities Requests be approved, in the spirit of cooperation and to address issues raised in the Staff Report and the Isotope report, and while reserving all rights, AT&T respectfully asserts the Facility satisfies the applicable provisions of the Bylaw, assuming the Bylaw is applicable in this instance.

COMPLIANCE WITH SECTION 5.8 OF THE BYLAW

While reserving all rights, the following is a discussion regarding compliance of the proposed Facility with the Bylaw.

5.8 Wireless Communications Facilities

5.8.1 Purpose and Intent, Definitions

5.8.1.1 Purpose and Intent

The Town recognizes the quasi-public nature of wireless communications systems and finds that these regulations are necessary to protect public safety, to protect the



ecological, scenic, historical and recreational values of the Town and to ensure that adverse visual and operational effects will not contribute to blighting, deterioration or other deleterious effects upon the surrounding neighborhood. It is the intent of this Section to provide for establishment and/or expansion of cellular telephone, mobile radio and personal communication and similar systems within the Town of Grafton while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening and in furtherance of the requirements of the Telecommunications Act of 1996. More specifically the Section has been developed in order to:

- **Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of wireless communications facilities needed to serve the community.**
- **Encourage providers to co-locate their facilities on a single structure or site**
- **Minimize the location of facilities in visually sensitive areas**
- **Site facilities below visually prominent ridge lines**
- **Protect historic and residential areas from potential adverse impacts of such facilities**
- **Avoid potential damage to adjacent properties from facility failure through engineering and careful siting of facilities**

AT&T's proposed Facility will be in harmony with the purposes of the Bylaw because it will be located on an existing tower structure so that potential visual impacts are minimized and the aesthetic qualities of the Town of Grafton are preserved. AT&T's Facility clearly and directly satisfies the purposes and intent of the Bylaw. By collocating on the existing Tower, the need to construct a new tower in the immediate vicinity is eliminated, and will help to minimize the overall number of towers in the area. AT&T's Facility maximizes the use of existing towers and minimizes the impact on visually sensitive areas of the Town of Grafton. The Tower is located on a large parcel of a university property significantly set back from public ways. The proposed Facility is a passive use and will not cause any nuisance such as vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources. Being located roughly over 900' from a public way, AT&T's Facility will comply with all applicable noise requirements. Further, the Facility will improve communication coverage to residents, commercial establishments and travelers through the area and improve communication services in this area of the Town of Grafton. The installation of



the Facility will not be a threat to public health, safety and welfare. In fact, AT&T submits that the proposed Facility will improve emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. Published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless telecommunications has been the only form of reliable communication. Lastly, the installation of the Facility at the Site will assist the Town of Grafton in complying with its obligations under the TCA. Consistent with the Bylaw, the Facility will function as a wireless communications services facility within a local, regional, and national communications system. This system operates under licenses from the FCC, and AT&T is mandated and authorized to provide adequate service to the general public. The proposed Facility will comply with all applicable regulations, standards and guidelines with respect to radiofrequency emissions.

5.8.3 Site Selection Preferences

These regulations are written for the purpose of indicating that the Town of Grafton's preferences for facility locations are as follows, in descending order of preference:

- **On existing structures such as buildings, communications towers, smokestacks, utility structures, etc.;**
- **In locations where existing topography, vegetation, buildings or other structures provide the greatest amount of screening;**
- **On new towers in the CB, OLI and I zoning districts;**
- **On government or educational institution structures in the CB, OLI and I zoning districts;**
- **On government or educational institution structures in the A or R40 zoning districts;**
- **On government or educational institution structures in the R20, RMF or NB zoning districts;**
- **On new towers in the A and R40 zoning districts;**
- **On new towers in the R20, RMF and NB zoning districts.**



Collocation is generally viewed as preferable to construction of a new support structure where it is assumed that collocation may often be less imposing. The Board's evaluation of each application is essential, however, and applicants are reminded that the preferences described in this section are intended as guidance for development of the application and for the Board's review but are not to be considered in any way completely dispositive.

The Facility will be collocated on an existing Tower, the highest preference under the Bylaw. AT&T requires six (6) antennas in an antenna array to provide the full range of services.

5.8.4 Additional Submittal Requirements

In addition to the submittal requirements of Section 1.3 of this Zoning By-Law, the following items and information are required to be submitted at the time an application under this section is filed:

- 5.8.4.a) A report by a professional or radio frequency engineer describing the general design and capacity of any proposed installation, including:**
- **The number and type of antenna(e) proposed;**
 - **A description of the proposed antenna(e) and all related fixtures, structures, appurtenances and apparatus, including height, materials, color and lighting;**
 - **A description of the proposed antenna(e) function and purpose;**
 - **The frequency, modulation and class or service;**
 - **Direction of maximum lobes;**
 - **An evaluation of the potential to utilize existing facilities for the proposed facility**
 - **An evaluation of the feasibility of attaching the proposed facility to existing buildings;**
 - **Copies of all applicable permits, including but not limited to all State and Federal permits required for this project and a certification of compliance with the terms and provisions of the license issued for this purpose by the Federal Communications Commission (FCC).**



Please refer to the attached copy of AT&T's FCC Licenses, the Report of Radiofrequency Engineer, Coverage Maps, TOWAIR Report, and Emissions Report submitted herewith.

5.8.4.b) Site Justification or Appropriateness Statement, including a description of the narrowing process that eliminated other potential sites;

The Facility will be collocated on an existing Tower, the highest preference for wireless communications facilities under the Bylaw.

5.8.4.c) Evidence that the applicant has filed a notice of proposed construction with the Federal Aviation Administration if the proposed facility exceeds 200 feet in height or in the event such notice is otherwise required.

AT&T will comply with all applicable FAA notification procedures. See attached TOWAIR Report indicating that marking and lighting is not required.

5.8.4.d) Support materials that show: the location of structures of similar or greater elevation within one-half-mile (two thousand six hundred forty feet) radius of the proposed site/parcel; that the owners of those locations have been contacted and asked for permission to install the facility on those structures, and denied, or that such other locations do not satisfy requirements to provide the service needed. This would include, but not be limited to, smoke stacks, water towers, tall buildings, antenna or towers of other wireless communications companies, other wireless communications facilities (fire, police, etc.) and all other tall structures. Failure to present evidence of a good faith effort on the part of the applicant to utilize existing facilities shall be grounds for denial of the application.

The Facility will be collocated on an existing Tower.

5.8.4.e) Material describing a specific plan for a "balloon" or similar test, including the date and time, as well as a rain date and time, suitably and clearly described for inclusion in the legal notice in the newspaper and for inclusion in the notice to abutters.

AT&T conducted a balloon test on Saturday, January 18, 2020 and attached is the report resulting from that balloon test demonstrating minimal additional visibility.

5.8.4.f) A statement indicating how the proposal meets, in the opinion of the applicant, the intents and purposes identified in subsection 1 of this section.



This brief is respectfully submitted in compliance with this provision of the Bylaw.

- 5.8.4.g) Stamped, addressed envelopes to all abutting property owners (according to the latest available tax listing) within a one-thousand three hundred twenty foot (1,320') radius of the proposed facility location, in addition to other special permit notice requirements, to facilitate the Board's notification of the public hearing to those additional property owners.**

AT&T previously complied with this provision of the Bylaw.

- 5.8.4.h) Due to the technical nature of the materials to be submitted, and the discussion and testimony presented during the public hearing for wireless communications facility applications, the applicant shall submit to the Planning Board, at the time of application, funds in an amount sufficient for the Board to engage the services of experts or consultants to assist the Board in its deliberations, and a recording secretary, stenographer, or similar service, to keep a detailed record of the proceedings during the public hearing for such application. Said funds shall be deposited by the Town in a revolving account, established pursuant to General Laws, Chapter 44, Section 53E½, to be used solely for the purposes of this Section. Funds remaining after the close of the public hearing shall be returned to the applicant.**

AT&T has submitted the requested funds and the Isotrope Report was submitted to the Board.

5.8.5 Conditions for Granting

In addition to the conditions for granting contained in Section 1.5.5 and all other applicable sections of this bylaw, the Planning Board shall make findings on which to base its determination on the specific issues of:

- 5.8.5.a) how well the use and proposal meet all required conditions and specifications of the By-Law;**

The proposed Facility meets with all applicable requirements of the Bylaw. The Facility will not adversely impact adjacent properties and neighborhoods as the Facility is screened from view to the maximum extent possible. The location of the Facility will protect, to the extent practicable, the aesthetic qualities of the Town of Grafton by utilizing the existing Tower and will minimize impacts to the interests protected by the Bylaw. The installation of the Facility will not be a threat to public health, safety and welfare. In fact, AT&T submits that the



Facility will aid in public safety by providing and improving wireless communications services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity and along the nearby roads. The proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources.

- 5.8.5.b) if the proposed facility is to be located in a residential zoning district, or within a distance equal to twice the height of the tower (from the ground to its highest point) but not less than 200 feet of a residential zoning district, whether the applicant has provided substantial evidence that the facility cannot, by technical necessity, feasibly be located in a non-residential zone**

The Facility will be located within the OLI zoning district, more than a distance equal to twice the Monopole's height, and more than 200' away from the nearest residential zoning district.

- 5.8.5.c) whether the proposal would sufficiently screen the facility from view, both through landscaping, placement and design, in order to minimize the visual appearance of the entire facility from areas within a one-thousand three hundred twenty foot (1,320') radius of the proposed facility location.**

AT&T has provided a photographic rendering based upon the balloon test of January 18, 2020. The Facility will be located on a large parcel with significant existing vegetation and AT&T respectfully asserts that no additional vegetative screening will be necessary.

- 5.8.5.d) whether the proposed facility will be housed within or upon a special structure, which will be architecturally compatible with the surrounding residential area (including, for example, bell tower or church steeple), or whether, by virtue of its design, no such special structure is required in order to minimize the visual impact within a one-quarter-mile (1,320') radius. This provision applies to facilities in a residential (A, R40, R20, or RMF) zoning district, or within a distance equal to twice the height of the facility (from the ground to its highest point) but not less than three hundred feet (300'), from such zoning district.**

The Facility would not be located within an A, R40, R20 or RMF zoning district.

5.8.6 General Requirements

- 5.8.6.1 Any principal part of the facility (excluding guy cables) shall be setback from the nearest property line by a distance of twice the height of the facility (as measured to**



its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.

After AT&T's proposed facility is installed, the Tower will continue to comply with the setback requirements of this provision of the Bylaw.

5.8.6.2 Any principal part of the facility (excluding guy cables) shall be setback from the nearest residential structure by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.

After AT&T's proposed facility is installed, the Tower will continue to comply with the setback requirements of this provision of the Bylaw.

5.8.6.3 No artificial lighting shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.

There will be no exterior lighting added to the Tower as a result of AT&T's Facility. Please refer to the TOWAIR Report submitted herewith.

5.8.6.4 A tower shall be of monopole or similarly unimposing design. In the event other than a monopole is proposed, the Board will view a guyed pole more favorably than a broad lattice type or similar structure. The applicant shall successfully demonstrate to the satisfaction of the Board that the proposed facility will have minimal visual impact.

AT&T does not propose a new tower structure. AT&T will collocate on the existing Tower, as extended.

5.8.6.5 To minimize the number of wireless communications facility sites in the community in the future, the proposed facility shall be designed and constructed so it is reasonably capable of accommodating other users, including other wireless communication companies and local police, fire and ambulance companies, unless it is determined to be technically infeasible based on the Board's evaluation of information submitted.

AT&T proposes collocation on the existing Tower, as extended, in accordance with this provision of the Bylaw.

5.8.6.6 No interference to existing television, cable television or radio signals, including emergency systems and public safety communications, shall be permitted from the



tower or components thereon. If interference occurs, it shall be the responsibility of the site owner to immediately remedy it.

The Facility will comply with this provision of the Bylaw to the extent not preempted by federal law, all rights reserved.

5.8.6.7 Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers facilities shall be painted non-contrasting grey or blue in color, or camouflaged with some other treatment deemed acceptable by the Board. Antenna(e) shall be non-contrasting or camouflaged.

AT&T's antennas will be located within proposed stealth canister shrouds which will match the color of the existing Tower and thereby be camouflaged.

5.8.6.8 The related unmanned equipment and/or other buildings shall not be more than twelve (12) feet in height. All ancillary uses (including, for example, but not limited to, a maintenance depot, vehicle storage, etc.) are prohibited.

The Facility will comply with this provision of the Bylaw.

5.8.6.9 All utilities proposed to serve the facility shall be installed underground.

AT&T's Facility will comply with this provision of the Bylaw.

5.8.6.10 Dish antennae shall be no more than six (6) feet in diameter, and shall be mesh (rather than solid). Panel antennae shall be no more than five (5) feet in height.

AT&T respectfully requests a waiver from strict compliance with this provision of the Bylaw as antenna sizes vary from carrier to carrier and change with advances in technology. In this instance, the antennas are hidden within canisters consistent with the design of the Tower and will not be visible, complying with the purpose of this provision of the Bylaw.

5.8.6.11 No advertising or signage shall be permitted on the facility.

AT&T's Facility will comply with this provision of the Bylaw to the extent not preempted by federal law due to the FCC's sign requirements and safety information. AT&T does not propose any advertising at the Site.

5.8.6.12 No facility shall be located within a distance equal to twice the height of the facility (as measured from the ground to its highest point) plus four hundred feet (400') of a wellhead area of a municipal water supply.



AT&T's Facility will collocate on an existing camouflaged Tower and this provision of the Bylaw does not apply to this Application.

- 5.8.6.13 Landscaping shall be provided around the base of the facility, adjacent to a security fence at least six feet (6') in height. The landscaping shall consist of a planting strip at least 25 feet wide, with ground cover and/or grass, and shall include at least one row of six-foot (6') high evergreen trees adjacent or proximate to the fence, and a row of deciduous trees at least ten feet (10') in height and at least one and-one-half-inch (1 1/2") caliper planted no more than 20 feet apart on center, and deemed acceptable by the Board. Applicants may substitute alternative landscape plans that meet the purposes of this subsection to limit the visual impact of the lower portion of the tower and adjoining accessory facilities for the Board's consideration.**

AT&T's equipment and emergency power generator will be located within the existing fenced compound and AT&T respectfully asserts that no additional screening is necessary in this instance. However, AT&T will work cooperatively with the Board to achieve a mutually agreeable design.

- 5.8.7 Although not an accessory use as defined by the By-Law, a wireless communications facility may be sited on a lot which already accommodates a lawful principle use. During the Board's review of the special permit application, due consideration will be given to the overall functioning of the lot, with particular respect to the items in Sections 1.5.5 and 5.8.5 and other applicable sections of this By-Law.**

Please refer to AT&T's responses in Sections 5.8.5 above and in 1.5.5 below. AT&T's Facility will be collocated on the existing Tower, as extended.

- 5.8.8 Any alteration or expansion of the facility or structure or the uses it supports (including the size, number or color of antennae or other components) shall require a modified special permit, applied for in accordance with all regulations applicable at the time such application is properly made.**

The Facility will comply with this provision of the Bylaw to the extent not preempted by federal law as discussed herein, all rights reserved.

- 5.8.9 If the facility is abandoned or no longer operable, it shall be removed within six (6) months of its abandonment.**

AT&T acknowledges this provision of the Bylaw.

- 5.8.10 The Planning Board may, by a vote of at least 4 members, each of whom is eligible to participate in the special permit vote, authorize deviation from strict compliance**



with the provisions of this Section 5.8 where such deviation is in furtherance of the purposes and intents of the bylaw, and where such authorized deviation is expressly enumerated, justified and acted upon by the Planning Board.

AT&T acknowledges this provision of the Bylaw.

COMPLIANCE WITH SECTION 1.5 OF THE BYLAW

- 1.5.5 Conditions for Granting Special Permits: Special Permits may be granted only for uses which are in harmony with the general purpose and intent of this By-Law. The special permit granting authority shall deny an application for a special permit when it determines that a nuisance, hazard, or congestion will be created, or for any other reason there will be substantial harm to the neighborhood or a derogation from the general purpose and the intent of the By-Law, or where the special permit is determined not to be in the public interest, or that the stated district objectives or applicable use criteria will not be satisfied. The special permit granting authority shall make findings on which to base its determination on the specific issues of:**

The proposed Facility will be in harmony with the purposes of the Bylaw because it will be located on the existing Tower, as extended, on a large parcel of land, significantly screened by existing vegetative growth so that potential visual impacts are minimized and the aesthetic qualities of the Town of Grafton are preserved. The proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources. Further, the Facility will improve communication coverage to residents, commercial establishments and travelers through the area and improves communication services in this area of the Town of Grafton. The installation of the Facility will not be a threat to public health, safety and welfare. In fact, AT&T submits that the proposed Facility will improve emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. Published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless telecommunications has been the only form of reliable communication.

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.**

Access to the Facility will be via existing ways on the Site, which is part of the university campus. Once constructed, visits to and from the Facility will average one or two visits per month by maintenance personnel.



- b. Off-street parking and loading areas where required, with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.**

Off street parking is already provided and loading areas are not required for this use but any loading will not be interruptive of traffic patterns on the privately-owned Site. AT&T's proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon neighboring properties or upon any zoning district.

- c. Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above.**

AT&T's Facility will not produce any refuse. Any trash generated during construction or maintenance visits will be removed from the Site at the conclusion of such activities.

- d. Screening and buffering with reference to type, dimensions and character.**

AT&T's equipment and emergency power generator will be located within the existing fenced compound and AT&T does not propose to add any additional screening to the Site, as the Facility will be substantially screened by existing vegetative growth. AT&T will work cooperatively with the Board to achieve a mutually agreeable design.

- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.**

Except for notice signs which may be required by FCC regulations, there will be no signs installed at the Facility any the only lighting is for the equipment cabinet which shall include motion detection.

- f. Required yards and other open space; and**

The Facility will comply with Section 3.2.3.2 Intensity of Use Schedule for the OLI zoning district.

- g. General compatibility with adjacent properties and other property in the district.**



The proposed Facility will be collocated on an existing Tower, is a passive use, and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon properties in the district.

- h. There will not be any significant adverse impact on any public or private water supply.**

The Facility will not produce any waste, is unmanned and will not require water or sewer services so there will be no adverse impact on any public or private water supply.

- i. If the subject site is located within the Water Supply Protection Overlay District, there will not be any significant or cumulative impact upon municipal water supplies, and the Board shall give appropriate consideration to contamination by nitrate-nitrogen loading in making this determination.**

The Site is not within the Water Supply Protection Overlay Area.

- j. Protect important historic, cultural and scenic landscapes.**

The Facility will be collocated on an existing Tower and, as evidenced by the results of the balloon test, the tower extension will have a minimal impact on any historic, cultural and scenic landscapes. The Facility will comply with all applicable provisions of federal and state law.

COMPLIANCE WITH SECTION 1.3.3 OF THE BYLAW

1.3.3 Site Plan Review

- 1.3.3.1 For the purpose of assuring proper drainage, screening, safe access, adequate parking and loading spaces, public convenience and safety, adequate consideration of abutting land owners and compliance with the provisions of this By-Law, a Site Plan shall be submitted as required by this By-Law for all uses other than (a) those specified in Section 1.3.2.3., and (b) those uses for which a Master Plan Approval has been issued by the Planning Board pursuant to the provisions of Section 9 of this Zoning By-Law, in which case, project plan approval shall be required as specified in Section 9.**

AT&T respectfully asserts that it has provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision. To the extent that the Plans do not satisfy a particular requirement, AT&T requests any necessary waivers.



1.3.3.2 Where a use is permitted upon issuance of a Special Permit, the Site Plan Review procedure shall be incorporated into the procedure used for dealing with applications for Special Permits. Such procedures are noted in Sections 1.3.3.3, 5.1, 5.2, 5.3, 6.4, 7.4.d-h and 8.1.2.

AT&T submitted the Application and these supplemental materials in compliance with this provision of the Bylaw.

1.3.3.3 All Applications for Site Plan Review shall be filed with the Planning Board and shall be accompanied by the following:

- a.) Properly executed application form, and (if applicable) all materials necessary for facilitating a public hearing on the application;**

Please refer to the application form submitted previously.

- b.) All required fees;**

AT&T has submitted the required fees.

- c.) A written description of the proposed use, signed by the applicant(s) and owner(s) of the property, which provides, at a minimum, the following details:**

- **the specific nature of the operations/activities that are proposed on the property;**

AT&T proposes to collocate, operate and maintain a wireless communications services facility as discussed above.

- **a description of all existing use(s) of the property, and an indication of whether or not such uses will continue with the proposed use(s);**

The Site currently contains the existing Tower supporting wireless communications services facilities on the grounds of Tufts University. As the Facility will be a passive use, future uses of the Site are not precluded.

- **hours of operation of the proposed use(s) or activity;**

AT&T's Facility will operate twenty-four (24) hours a day, seven (7) days a week. However, the Facility will be unmanned and will not produce significant amounts of traffic and will comply with all applicable noise requirements.



- **the maximum number of employees on the largest shift;**

AT&T's Facility will be unmanned and will not accommodate shifts of employees on Site. Maintenance visits will average one or two trips per month.

- **shipping/receiving activity (including types of delivery vehicles, number/frequency of deliveries);**

AT&T's Facility will be unmanned and will not involve shipping and receiving activities except for the delivery of AT&T's wireless equipment for installation and any equipment necessary for the infrequent maintenance visits.

- **use of any hazardous materials or substances in the operation of the proposed use;**

AT&T's Facility will be passive in nature and will not produce waste or hazardous materials. AT&T's emergency power generator will be fueled by diesel, which will be stored and used in accordance with all applicable laws and regulations.

- **any potential for future changes to the building or use(s), such as increases in: the square footage of the building; the hours of operation and/or deliveries; the maximum number of employees; or any other significant changes to the proposed use(s) as presented by the current application;**

AT&T does not own the Tower and does not control collocations thereon. However, the presence of AT&T's Facility on Site will not necessarily preclude additional collocations on the Tower. AT&T will only modify its Facility in accordance with applicable laws and regulations.

- **any other information or details that may not be specified herein or required to be shown on the plans, but, as determined by the Planning Board, is relevant due to the specific nature of the proposed use(s) or activity; and**

Please refer to the materials submitted herewith. AT&T will work cooperatively with the Board to address any issues and provide additional materials as may be reasonably requested in accordance with applicable laws and regulations.

- **list of any requested waivers from the requirements of Sections 1.3.3.3(d)-(f), including a detailed explanation/justification of the reason(s) for such request.**

Please refer to the List of Requested Waivers submitted herewith.

- d.) **A Site Plan prepared by a professional architect or registered professional engineer, at a scale of one inch equals forty feet (1" = 40'), or at such other**



scale as may be necessary to show all detail clearly and accurately. Sheet sizes shall not exceed twenty-four inches by thirty-six inches (24" x 36"), and shall not be less than eleven inches by seventeen inches (11" x 17"). If multiple sheets are used they shall be accompanied by an index sheet showing the entire parcel at an appropriate scale. If the plans submitted are 11" x 17" in size, a total of twenty-five (25) copies of the plans shall accompany the application. If the plans prepared exceed 11" x 17" in size, a total of five (5) copies of such plans and twenty (20) sets of reduced-size copies (11" x 17") shall be submitted.

AT&T respectfully asserts that it has submitted Plans and materials of sufficient detail for the Board to render an informed decision. To the extent that the Plans do not strictly comply with the requirements of this provision of the Bylaw, AT&T requests any waivers.

The Plan shall include the following information:

(1.) Name and address of the person(s) submitting the application;

Smartlink submitted the Application to the Board on behalf of
AT&T.

Smartlink
1362 Mellon Road, Suite 140
Hanover, MD 21076

(2.) Name and address of the owner(s) of the subject property(ies), if different;

Tufts University Trustees
c/o Joe McManus
200 Westboro Road
North Grafton, MA 01519

(3.) Present use(s) of the land and description and use(s) of existing building(s) thereon, if any;

Tufts University campus and wireless communications services.

(4.) Proposed use(s) of the land;

As described above, AT&T proposes to collocate, construct, operate, and maintain a wireless communications services facility



with antennas mounted to the existing Tower and other associated equipment and utilities per the Plans and materials submitted herewith.

(5.) Proposed use(s) of existing buildings, if any;

AT&T's proposed Facility will be colocated on the existing Tower and within the existing fenced compound area. AT&T's Facility will not be using existing buildings on Site.

(6.) Description and proposed use(s) of the proposed building(s), if any;

AT&T's proposed Facility will be colocated on the existing Tower and within the existing fenced compound area. AT&T's equipment will be located within a walk-in cabinet within the existing fenced compound area. No additional buildings will be constructed on the Site as a result of AT&T's Facility.

(7.) Zoning District(s) in which the parcel is located, including floodplain if applicable;

The Site is within the OLI (Office Light Industrial) zoning district. Please refer to the Project Information Box on Sheet T-1 of the Plans.

(8.) Locus Map (scale of 1"=1,000') and north arrow;

Please refer to the Site Location Map on Sheet T-1 of the Plans submitted herewith. To the extent the Plans do not strictly comply with this provision of the Bylaw, the AT&T respectfully requests any necessary waivers.

(9.) Title Block containing: name of the project; applicant; property owner; property address and Assessor's Map/Lot number; date (with revisions); name, address and phone number, and the signature and seal of the professional architect or engineer preparing the plan;

Please refer to the Plans submitted herewith.

(10.) Wetlands, Ponds, Streams, or other water bodies, including all applicable buffer zones;



Please refer to the Plans submitted herewith. AT&T respectfully asserts that it has provided Plans and materials of sufficient detail for the Board to make an informed decision. To the extent that the Plans do not satisfy a particular requirement, AT&T requests any necessary waivers.

- (11.) Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200') of the property lines;**

Please refer to the Plans submitted herewith. AT&T respectfully asserts that it has provided Plans and materials of sufficient detail for the Board to make an informed decision. To the extent that the Plans do not strictly comply with this provision of the Bylaw, AT&T requests any waivers.

- (12.) Existing and proposed topography at two-foot (2') elevation intervals;**

AT&T proposes to collocate on the existing Tower and will not change any contours of the land as a result of its proposed Facility. AT&T respectfully asserts that it has provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and that a full illustration of all existing topography on the Site is unnecessary given the scope of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, AT&T requests any waivers.

- (13.) All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing and proposed easements, if any;**

AT&T respectfully asserts that it has provided Plans and materials of sufficient detail for the Board to make an informed decision and that a full illustration of all setbacks of buildings and parking areas from property lines on the Site is unnecessary given the scope of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, AT&T requests any required waivers.

- (14.) Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, including specific materials;**



Please refer to Sheets C-1, C-2 and C-2A of the Plan submitted herewith. To the extent that the Plans do not strictly comply with this provision of the Bylaw, AT&T requests any waivers.

(15.) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/landscaped areas;

AT&T's proposed equipment pads for its proposed walk-in equipment cabinet and emergency power generator will add less than 100 square feet of impervious surface to the Site. AT&T respectfully asserts that it has provided Plans and materials of sufficient detail for the Board to make an informed decision and coverage calculations on a lot of this size are unnecessary given the scope of this project.

(16.) Parking calculations for proposed use(s), including all existing use(s) that will continue to exist on the property, if applicable;

Visits to the Site will average one or two trips per month by maintenance personnel who will park their maintenance vehicle by the gate of the existing fenced compound.

(17.) Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location(s) of such activity;

There will be no large scale removal of earth from the Site or filling on Site as a result AT&T's Facility. AT&T respectfully asserts that it has provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and that volume of earth calculations are unnecessary given the scope of this project.

(18.) Driveways and driveway openings/entrances;

No additional driveways or driveway openings/entrances will be installed on the Site as a result of AT&T's Facility.

(19.) Parking and loading spaces;

No additional parking and loading spaces will be installed or are required as a result of AT&T's Facility.



(20.) Service areas and all facilities for screening;

Given the existing vegetation on Site which provides significant screening from view, AT&T does not propose additional screening of the Facility. However, AT&T will work cooperatively with the Board and discuss additional screening as necessary.

(21.) Landscaping;

Given the existing vegetation on Site which provides significant screening from view, AT&T does not propose additional landscaping around the Facility. However, AT&T will work cooperatively with the Board and discuss additional screening as necessary.

(22.) Lighting;

Except for motion lighting on the proposed equipment cabinet, no additional lighting will be installed on the Site as a result of AT&T's Facility.

(23.) Proposed signs (business, traffic, etc.);

AT&T's Facility will not include advertisement signage. However, the Facility will have a small sign identifying the owner of the Facility providing an emergency phone number and any other required signage in accordance with applicable FCC requirements.

(24.) Sewage, refuse and other waste disposal;

AT&T's Facility will be unmanned and will not produce any sewage, refuse or waste. Any waste produced at the time of construction or during maintenance visits will be properly removed and disposed.

(25.) Stormwater management facilities (drainage);

AT&T respectfully asserts that it has provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and that provision of a stormwater management plan is unnecessary given the *de minimis* increase in the amount of



impervious surfaces added to the Site as a result of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, AT&T requests any required waivers.

(26.) All structures and buildings associated with the proposed and existing use(s) on the property;

Please refer to Sheets C-1, C-2, C-2A, C-3 and C-5 of the Plans.

(27.) Exterior storage areas and fences;

Please refer to Sheets C-1 and C-2 of the Plans.

(28.) Utilities and their exterior appurtenances (e.g., fire connections);

Please refer to Sheet C-2 and E-1 of the Plans.

(29.) Provisions for dust and erosion control;

AT&T respectfully asserts that it has provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and that provision for dust and erosion control is unnecessary given the limited scope of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, AT&T requests any required waivers.

(30.) Any existing vegetation;

Please refer to Sheet C-1 of the Plans.

(31.) Any other details or information deemed necessary by the Planning Board due to the unique nature of a proposed use or the subject property;

AT&T will work cooperatively with the Board to provide any additional information as may be reasonably requested.

e.) A stormwater management hydrological study prepared in accordance with the Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts (Sections 3.3.3.19 and 4.7.8).

AT&T's Facility will not add significant impervious surface to the Site. AT&T respectfully asserts that it has provided Plans and materials of sufficient detail



to the Board for the Board to make an informed decision and submission of a stormwater management study is unnecessary given the scope of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, AT&T requests any required waivers.

- f.) **A report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity. Depending upon the volume of material to be removed or filled, the Planning Board may require the Applicant to submit additional information (if not submitted in the report) regarding, but not limited to, the following: the hours of fill/removal activity; proposed route(s) of transporting materials to and from the site; and measures for dust and erosion control (both on- and off-site) for the proposed activity.**

Construction of the Facility does not entail any large volume of earth removal and AT&T respectfully asserts that this provision of the Bylaw does not apply to this Application.

- g.) **Written statements from the following:**
- (1.) **The engineer and/or architect preparing the plans indicating that the building(s) and site have been designed to comply with the performance standards set forth in Section 4.1 of the Zoning By-Law.**
 - (2.) **The applicant(s) and owner(s) of the property indicating that the building(s) and site will be maintained, and the activities on the site will be conducted in accordance with, the performance standards set forth in Section 4.1 of the Zoning By-Law.**

AT&T will comply with this provision of the Bylaw.

- h.) **Any other information, materials, reports or studies deemed necessary by the Planning Board, due to the special nature of the proposed use/activity or the subject property, to achieve the purposes set forth in Sections 1.2 and 1.3.3.1 of this By-Law**

AT&T will work cooperatively with the Board to provide such additional information as reasonably requested.

1.3.3.4 For all Site Plan Review Applications the Planning Board may, by an affirmative vote of at least 4 members (or 3 when less than 5 are eligible to vote on such application), one of whom may be the Associate Member when sitting in review of the application, authorize deviation from the requirements of Sections 1.3.3.3(d)-(f)



provided such deviation is not, in the opinion of the Board, contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of this By-law. The Planning Board, in its decision, shall make specific findings justifying the granting or denying of any such requests.

Please refer to the List of Requested Waivers submitted herewith.

1.3.3.5 Plan Acceptance: Failure by the Applicant to provide all information, items and materials deemed necessary by the Planning Board, other than those that have been specifically waived pursuant to Section 1.3.3.4, within a reasonable timeframe once notified by the Board or its agent of the necessity for such, shall be grounds for denial of the application.

AT&T acknowledges this provision of the Bylaw and will work cooperatively with the Board to provide such additional information as may be reasonably requested.

THE TELECOMMUNICATIONS ACT OF 1996

The Federal TCA provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and, decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the FCC's Regulations, commonly referred to as the "Shot Clock".

CONCLUSION

As evidenced by the materials submitted with the Application, these supplemental material and as will be further demonstrated by AT&T by evidence submitted to the Board at the public hearing(s) in connection herewith, in light of the Spectrum Act, the TCA the Facility satisfies the intent and objectives of the Bylaw. The Facility will be collocated to the existing Tower, the highest level of preference for wireless communications facilities under the Bylaw and reduces the need for addition tower structures in this area of the Town of Grafton. The Facility will not have any adverse effect on property values in the area. The Facility will not be dangerous to the public health or safety as it is designed to comply with all applicable FCC requirements relating to radio frequency emissions and will comply with all applicable requirements of the Massachusetts building code. Indeed, the maximum radio frequency output per channel for this facility will be well below the maximum radio frequency exposure levels established by the FCC. The Facility is a passive use, and will not cause any nuisance such as unreasonable noise, vibration, smoke, odor or dust. Further, the Facility will improve



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communication coverage to residents, commercial establishments and travelers through the area and improves network connections in this area of the Town of Grafton. The Facility will improve emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. Lastly, the installation of the Facility at the Site will assist the Town of Grafton in complying with its obligations under the TCA.

AT&T respectfully requests that the Board grant all necessary relief to install, operate and maintain the Facility. Accordingly, a denial of the foregoing petition would violate the provisions of the Spectrum Act and effectively prohibit AT&T from providing adequate service to the Town of Grafton and thus would be contrary to the purpose and intent of the TCA.

Sincerely,

BROWN RUDNICK LLP

A handwritten signature in black ink, appearing to read "Edward D. Pare, Jr.", written over a horizontal line.

Edward D. Pare, Jr., Esq.

ATTACHMENTS

1. Public Notice Including Section 6409
2. FCC Regulations
3. Representative Letter from Attorney General
4. Report Demonstrating the Results of the Balloon Test
5. FCC Licenses
6. Revised Plans
7. TOWAIR Report
8. Emissions Report
9. Footnote from Zubarau v. City of Palmdale Case